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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 TYSON MARSHEK,

11 Plaintiff,

12 v.

13 T-MOBILE USA, INC.

14 Defendant.

CASE NO. C11-5476-RJB-JRC

REPORT AND  
RECOMMENDATION

NOTED FOR OCTOBER 28, 2011

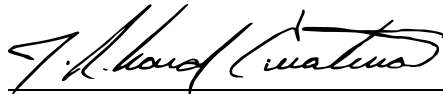
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16 This 15 U.S.C. § 1681 Fair Credit Reporting Act action, has been referred to the  
17 undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local  
18 Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Prior to any defendant appearing in  
19 the action plaintiff has moved to dismiss the action with prejudice (ECF No. 9). Plaintiff  
20 states that the parties have reached an agreement.

21 Pursuant to Fed. R. Civ. P. 41 (a)(1)(A) plaintiff has an absolute right to dismiss  
22 his action prior to an answer or motion for summary judgment being filed. The court  
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1 therefore recommends the action be dismissed. The dismissal is with prejudice pursuant  
2 to the plaintiff's own request (ECF No. 9).

3 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
4 fourteen (14) days from service of this Report to file written objections. See also Fed. R.  
5 Civ. P. 6. Failure to file objections will result in a waiver of de novo review by the  
6 District Court Judge. See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit  
7 imposed by Rule 72(b), the clerk is directed to set the matter for consideration on October  
8 28, 2011, as noted in the caption.  
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10 Dated this 27th day of September, 2011.

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13 J. Richard Creatura  
14 United States Magistrate Judge  
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